

MINUTES

The Tennessee State Board of Barber Examiners held a meeting on November 17, 2008 at 9:00 a.m. CDT, in Nashville, Tennessee.

The following members were present: J. B. Loring, President, JaSanto Williams, Vice-President and Joe Jones. Vernon Winfrey and Cecil Groce were not present.

Others present were: Beverly Waller, Executive Director, Terrance Bond, Staff Attorney and Debbie Gean, Administrative Assistant.

J. B. Loring, President asked all to join in prayer.

J. B. Loring, President asked all to stand for the pledge of allegiance.

J. B. Loring, President asked for a roll call.

MINUTES

MOTION was made by Mr. JaSanto Williams and seconded by Mr. Joe Jones to approve the minutes from the October 20, 2008. Motion carried unanimously.

APPEAR BEFORE THE BOARD

Dwight Shine – Present. Mr. Shine has requested an extension from the 2008 barber instructor seminar which was presented to the board at the October 2008 meeting. After reviewing the information the board requested Mr. Shine appear before the board. Documentation was presented to board members as to the reason he was not able to attend.

Mr. Shine stated he wanted to personally come before the board to explain why he is requesting an extension. Mr. Shine stated he is present today to plea for an extension on his instructor license. Mr. Shine showed the board a project he does for a community in a bad area. Mr. Shine states the program is called One Boy One Bike. If a student makes a good grade on his report card they purchase a bike for that boy. Mr. Shine also states that he cuts the students hair in that area at no charge. Mr. Shine states he was not able to attend the seminar due being in the hospital for depression. Mr. Shine states he is a good instructor and barber and would greatly appreciate if the board would allow him an extension and he will attend the 2009 & 2010 instructor seminars.

MOTION was made by Mr. Joe Jones and seconded by Mr. JaSanto Williams to grant Mr. Shine the extensions for the instructor seminars and require he attend the 2009 and 2010 instructor seminars. Motion carried unanimously.

ADMINISTRATIVE REPORT

An application for a master barber reinstatement examination from Travis Spencer (Manuel) who has a felony was presented to the board. Mr. Spencer became licensed as a master barber in 2000 after receiving training at Northwest Correctional Institute in Tennessee, while serving a five year sentence for burglary. Mr. Spencer was apparently released but returned to a correctional facility in 2001 and served a seven year sentence. He is now applying for a Mississippi barber license and has been informed by the Mississippi Barber Board that he would be required to have a valid license in Tennessee to qualify for consideration for licensing in that state. Mr. Spencer's Tennessee barber license has been expired since 2002.

MOTION was made by Mr. Joe Jones and seconded by Mr. JaSanto Williams to deny the request for examination. Motion carried unanimously.

A request for extension from the 2007 master barber instructor seminar from Angelia S. Holman was presented. Ms. Holman was granted an extension by the board from the 2006 instructor seminar with conditions she would be required to attend the 2007 and 2008 seminars. Ms. Holman did not attend the 2007 instructor seminar due to her husband's hospitalization. No medical statement was provided. Ms. Holman did attend the 2008 instructor seminar and states she was confused as to the requirement she needed to attend both the 2007 and 2008 seminars. Ms. Holman has recently accepted a position as a barber instructor for a new barber school that plans to open in January. Ms. Holman is requesting the board grant her an extension from the 2007 seminar so that she may maintain her instructor status.

MOTION was made by Mr. Joe Jones and seconded by Mr. JaSanto Williams to decline her request for extension from the 2007 instructor seminar. Ms. Holman will be required to take the instructor reinstatement examination and pass so that her instructor status can be reinstated. Motion carried unanimously.

An application for reciprocity of a master barber license from Segura Arcenio Valencia from the Republic of Columbia was presented. This application was recently presented to the board at the April 21, 2008 meeting at which time the board voted to require additional information as to the barber curriculum at the Academy of Beauty where he completed 2,000 would need to be submitted for review. He has submitted three certificates in the specialty of his barbershop (650, 620 and 730) totaling 2,000 hours.

MOTION was made by Mr. JaSanto Williams and seconded by Mr. Joe Jones to request Segura Arcenio Valencia take and pass the barber examination to become licensed in the State of Tennessee. Motion carried unanimously.

Ms. Beverly Waller, Executive Director received an incident report from PSI theory test site in Nashville. The proctor observed Lorenzo Quarles, applicant looking down, states that at first he thought the applicant may be looking at the keyboard, but

when he did a walk thru he looked back at the screen. The proctor asked him to come into the office and told him to empty his pockets. The proctor stated the applicant had index cards. The proctor asked him if he used them and the applicant stated yes. The proctor allowed him to return to the test and kept the index cards. The candidate failed the exam. PSI has blocked him from further testing until they hear from the board.

MOTION was made by Mr. Joe Jones and seconded by Mr. JaSanto Williams to not allow him to test for three (3) months and if he passes have him appear before the board so that the board may require him to be on probation. Motion carried unanimously.

Consent orders totaled \$3,000.00.

Memphis Academy of Barbering
6769 Winchester Road
Suite 13
Memphis, TN 38115

Complaint filed
Pd. \$1,000.00 on 10-20-08

Tienda Hispana
2530 McGill Street
Pigeon Forge, TN 37863

Violation issued February 8, 2008
Pd. \$2,000.00 on 11-4-08

MOTION was made by Mr. Joe Jones and seconded by Mr. JaSanto Williams to accept the consent orders. Motion carried unanimously.

STAFF ATTORNEY REPORT

1. Case No.: L-08-BAR-RBS-200802016-1

August 15, 2008 Notice of Violation reports that the inspector observed a licensed Master Barber operating an unlicensed shop. The inspector indicates that the licensee was previously advised to obtain a shop application and provided a barber shop license application in May of 2007 after the licensee was found in the same unlicensed establishment; his license was displayed in the establishment but he was not observed practicing barbering at that time.

Recommendation: Authorize formal hearing with authority to settle by Consent Order agreeing to payment of a \$500.00 civil penalty and a probationary term of one (1) year on both the shop license (if issued) and the personal license of the licensee.

MOTION was made by Mr. JaSanto Williams and seconded by Mr. Joe Jones to accept the recommendation. Motion carried unanimously.

2. Case No.: L-06-BAR-RBS-200601397-1

Department records indicate that this licensee is now closed for business.

Recommendation: Close file and flag if new shop is opened.

CLARIFICATION: The recommendation should have been “Close and flag file; re-open if a new shop location is opened or if the old location is re-opened.”

MOTION was made by Mr. Joe Jones and seconded by Mr. JaSanto Williams to accept the recommendation. Motion carried unanimously.

3. Case No.: L-05-BAR-RBS-200500025-1

Telephone records indicate that the number associated with the licensee is no longer in service. No inspection for the licensee has been performed since 2005.

Recommendation: Close file and flag; re-open if shop is re-opened at the same or a new location.

MOTION was made by Mr. Joe Jones and seconded by Mr. JaSanto Williams to accept the recommendation. Motion carried unanimously.

4. Case No.: L-07-BAR-RBS-200708276-1

Student complaint indicates that this school licensee is very dirty and that instruction is inadequate and that required equipment does not function properly. Most recent inspection for Respondent school resulted in a grade of 95 of 100 possible points.

Recommendation: Close and flag file.

MOTION was made by Mr. JaSanto Williams and seconded by Mr. Joe Jones to accept the recommendation. Motion carried unanimously.

5. Case No.: L-07-BAR-RBS-200708327-1

Notice of Violation issued September 21, 2007 indicated that Respondent licensee was found practicing barbering in an unlicensed facility. Department records indicate that the licensee obtained a license to operate Respondent shop and continues to hold a valid shop license currently.

Recommendation: Close with a letter of warning re: license requirements, including timely renewal.

MOTION was made by Mr. JaSanto Williams and seconded by Mr. Joe Jones to accept the recommendation. Motion carried unanimously.

6. Case No.: L-08-BAR-RBS-200801520-1

Notice of Violation against Respondent shop was not written at the inspection site.

Recommendation: Close.

MOTION was made by Mr. Joe Jones and seconded by Mr. JaSanto Williams to accept the recommendation. Motion carried unanimously.

Cases #7 and #8 are combined.

7. Case No.: L-08-BAR-RBS-200802468-1

Notice of Violation does not provide adequate information regarding the violations of law noted on the grade sheet.

Recommendation: Close.

8. Case No.: L-08-BAR-RBS-200802370-1

Notice of Violation does not provide adequate information regarding the violations of law noted on the grade sheet.

Recommendation: Close.

MOTION was made by Mr. JaSanto Williams and seconded by Mr. Joe Jones to accept the recommendation on #7 & #8. Motion carried unanimously.

9. Case No.: L-05-BAR-RBS-200501120-1

Notice of Violation issued in 2005 indicated that the licensee was observed practicing barbering while in possession of an expired license. The licensee currently holds a valid license and no new Notices of Violation citing unlicensed activity have been issued since the last Notice issuance date.

Recommendation: Close with a strong letter of warning.

MOTION was made by Mr. Joe Jones and seconded by Mr. JaSanto Williams to accept the recommendation. Motion carried unanimously.

MOTION was made by Mr. Joe Jones and seconded by Mr. JaSanto Williams to adjourn the meeting. Motion carried unanimously.